

**CITY COUNCIL**

**The City of Orange Township, New Jersey**

DATE December 19, 2023

NUMBER 514-2023

[AMENDED]

**TITLE: RESOLUTION OF THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,250,000 TO PAY SALARIES AND WAGES FOR THE (A) POLICE DEPARTMENT IN THE AMOUNT OF \$900,000 AND (B) FIRE DEPARTMENT IN THE AMOUNT OF \$350,000**

**WHEREAS**, the City Council of the City of Orange Township, in the County of Essex, New Jersey (the "City"), desires to adopt a resolution providing for an emergency appropriation in the amount of \$1,250,000 pursuant to the provisions of the Local Budget Law of the State of New Jersey, N.J.S.A. 40A:4-1 et seq. (the "Local Budget Law"), specifically N.J.S.A. 40A:4-46, to fund the payment of salaries and wages for the (a) police department in the amount of \$900,000 and (b) fire department in the amount of \$350,000 (collectively, the "Emergency Appropriation"); and

**WHEREAS**, the Emergency Appropriation was not foreseen at the time the City adopted its 2023 budget and, thus, adequate provision was not made in the 2023 budget; and

**WHEREAS**, the total amount of the emergency appropriations in calendar year 2023, including the emergency appropriation created by this resolution, is \$1,250,000 and three percent (3%) of the total operations in the budget for calendar year 2023 is \$2,223,117.06; and

**WHEREAS**, the Emergency Appropriation together with prior emergency appropriations, if any, does not exceed three percent (3%) of the total operations in the budget for calendar year 2023; and

**WHEREAS**, pursuant to N.J.S.A. 40A:4-47, the Emergency Appropriation will be funded either (i) in full by the City Council as a deferred charge in the 2024 calendar year budget or (ii) through the authorization of bonds or notes by the City as authorized by law pursuant to the provisions of the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), specifically N.J.S.A. 40A:2-3; and

**WHEREAS**, the Emergency Appropriation is being made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare of the citizens of the City prior to the next succeeding fiscal year; and

**WHEREAS**, N.J.S.A. 40A:4-51 allows emergency notes (the "Emergency Notes" or "Notes") to be issued to finance the costs of such Emergency Appropriation; and

**WHEREAS**, the City also seeks to authorize the issuance of Emergency Notes in the amount of \$1,250,000 to pay for the Emergency Appropriation.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Orange Township, in the County of Essex, State of New Jersey (by not less than 2/3 of all the members of the governing body affirmatively concurring), in accordance with N.J.S.A. 40A:4-46, 40A:4-48, and N.J.S.A. 40A:4-51, AS FOLLOWS:

**Section 1.** An Emergency Appropriation in the amount of \$1,250,000 is hereby authorized, approved and made for the purpose of funding the payment of salaries and wages for the (a) police department in the amount of \$900,000 and (b) fire department in the amount of \$350,000 (collectively, the "Emergency Appropriation"). The Emergency Appropriation is being made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare of the citizens of the City prior to the next succeeding fiscal year. Due to commitments and contracts with (a) the City police department, and (b) the City fire department, this Emergency Appropriation is being made pursuant to the provisions of the Local Budget Law of the State of New Jersey, N.J.S.A. 40A:4-1 et seq. (the "Local Budget Law"), specifically N.J.S.A. 40A:4-46. No other Emergency Appropriations have been made for calendar year 2023 by the City.

**Section 2.** Said Emergency Appropriation shall be paid or funded either (i) in full by the City Council as a deferred charge in the 2024 calendar year budget or (ii) through the authorization of bonds or notes as an appropriation authorized by law pursuant to the provisions of the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), specifically N.J.S.A. 40A:2-3.

**Section 3.** In order to finance the Emergency Appropriation described in Section 1 of this resolution, the City is hereby authorized to issue its emergency notes (the "Emergency Notes") pursuant to N.J.S.A. 40A:4-51. The Emergency Notes authorized by this resolution may be issued in amounts and denominations not exceeding the aggregate amount \$1,250,000, the amount of notes authorized herein, as determined by the chief financial officer of the City (the "Chief Financial Officer"). In accordance with the Local Budget Law, the City may finance the Emergency Appropriation from surplus funds available or may borrow money in a manner prescribed herein.

**Section 4.** The following matters in connection with the issuance of the Emergency Notes by the City are hereby determined:

(a) All Emergency Notes issued hereunder and any renewals thereof shall mature at such times as may be determined by the Chief Financial Officer of the City within the limitations of the Local Budget Law, and such Emergency Notes and any renewals thereof shall be payable on or before December 31, 2024.

(b) All Emergency Notes issued by the City hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer of the City.

(c) The Emergency Notes shall be in the form determined by the Chief Financial Officer of the City and the Chief Financial Officer's signature upon the Emergency Notes shall be conclusive evidence as to such determination.

(d) The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Emergency Notes not determined by this or a subsequent resolution and the Chief Financial Officer's signature upon the Emergency Notes shall be conclusive as to such determination.

(e) The Chief Financial Officer is hereby authorized to sell the Emergency Notes from time to time at public or private sale in such amounts as such Chief Financial Officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest, if any, from their dates to the date of delivery thereof and payment therefor.

(f) All Emergency Notes issued pursuant to this resolution shall be executed by the Chief Financial Officer and the Mayor and shall be under the seal of the City and attested by the Clerk of the City. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the authorization, issuance, sale and delivery of the Emergency Notes.

(g) Any Emergency Note issued by the City pursuant to this resolution to fund said Emergency Appropriation shall be a general obligation of the City. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the Emergency Notes authorized herein and, unless otherwise paid or payment is provided for, an amount sufficient for such payment shall be inserted in the succeeding year's budget of the City and taxes sufficient to provide for the payment thereof shall be levied and collected in such succeeding year.

(h) The Chief Financial Officer of the City is hereby authorized and directed to report in writing to the governing body of the City at the meeting next succeeding the date when any sale or delivery of the Emergency Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Emergency Notes sold, the price obtained and the name of the purchaser.

**Section 5.** If the Emergency Notes are issued on a tax-exempt basis, the City reasonably expects to reimburse the expenditures toward the costs of the Emergency Appropriation described in this resolution incurred and paid for by the City prior to the issuance of the Emergency Notes authorized by this resolution with the proceeds of such Emergency Notes. No funds from sources other than the Emergency Notes have been or are reasonably expected to be reserved or allocated on a long-term basis or otherwise set aside by the City, or any member of the same "controlled group" as the City, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial

policies with respect to expenditures of the City to be reimbursed. This Section 5 is

intended to be and hereby is a declaration of the City's official intent to reimburse the expenditures toward the costs of the Emergency Appropriation described in this resolution incurred and paid for prior to the issuance of the Emergency Notes with the proceeds of such issuance of the Emergency Notes by the City, in accordance with Treasury Regulation Section 1.150-2(e)(1), and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements or to avoid restrictions under Sections 142 through 147 of the Code. The Emergency Notes to be issued by the City to finance expenditures to pay the costs of the Emergency Appropriation described in this resolution to be reimbursed will be issued in an amount not to exceed \$1,250,000.

**Section 6.** A certified copy of this resolution shall be filed with the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs, and a certified copy of this resolution shall be filed with the Clerk of the City of Orange Township.

**Section 7.** This resolution shall take effect immediately.

Adopted:

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Joyce L. Lanier  
Municipal Clerk

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Tency A Eason  
Council President

**CERTIFICATION**

I, JOYCE LANIER, the Clerk of the City of Orange Township, in the County of Essex, New Jersey (the "City"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION OF THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,250,000 TO PAY SALARIES AND WAGES FOR THE (A) POLICE DEPARTMENT IN THE AMOUNT OF \$900,000 AND (B) FIRE DEPARTMENT IN THE AMOUNT OF \$350,000", is a copy of a resolution which was duly adopted by the City Council of the City at a meeting duly called and held on December 19, 2023 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within, and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City as of this \_\_\_\_ day of December, 2023

(SEAL)

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**JOYCE LANIER,**  
**Clerk of the City of Orange Township**

**CERTIFICATION OF EMERGENCY APPROPRIATION  
OF THE CHIEF FINANCIAL OFFICER OF THE CITY**

I, NILE S. CLEMENTS, Chief Financial Officer of the City of Orange Township, in the County of Essex, New Jersey (the "City"), hereby make the following certification pursuant to the provisions of N.J.S.A. 40A:4-52. Accordingly, I DO HEREBY CERTIFY to the following:

1. Purpose of Emergency Appropriation - An Emergency Appropriation in the amount of \$1,250,000 is hereby made for the purpose of funding the payment of salaries and wages for the (a) police department in the amount of \$900,000 and (b) fire department in the amount of \$350,000 (collectively, the "Emergency Appropriation"), which purpose was not foreseen at the time the City adopted its 2023 budget and, thus, adequate provision was not made in the 2023 budget . The Emergency Appropriation is being made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare of the citizens of the City prior to the next succeeding fiscal year. This Emergency Appropriation is being made pursuant to the provisions of the Local Budget Law of the State of New Jersey, N.J.S.A. 40A:4-1 et seq. (the "Local Budget Law"), specifically N.J.S.A. 40A:4-46. No other Emergency Appropriations have been made for calendar year 2023 by the City.

2. Contracts – No Contracts have been awarded or purchase orders placed in connection with this Emergency Appropriation.

3. Emergency Notes Authorized - The City Council of the City approved said Emergency Appropriation in the amount of \$1,250,000 and authorized the sale and issuance of \$1,250,000 aggregate principal amount of Emergency Notes (the "Emergency Notes") to temporarily finance the cost of the Emergency Appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand as of this \_\_\_\_ day of December, 2023.

**NILE S. CLEMENTS,**

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**Chief Financial Officer of the  
City of Orange Township**